

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

IN RE:)	
)	CASE NO.: 09-12347-RLB
JERRY W. SWANSON,)	
)	CHAPTER 7
DEBTOR.)	
_____)	
)	
GENERAL BUILDERS SUPPLY CO., INC.)	
)	
PLAINTIFF,)	
)	
v.)	
)	
JERRY W. SWANSON, an individual,)	
and d/b/a Swanson Homes)	
DEFENDANT.)	

COMPLAINT TO DETERMINE DISCHARGEABILITY
UNDER 11 U.S.C. §§ 523(a)(4)

COMES NOW, General Builders Supply Co., Inc., ("Plaintiff"), and for its Complaint against the Defendant, Jerry W. Swanson, an individual, and d/b/a Swanson Homes, alleges:

Jurisdiction and Venue

This adversary proceeding arises in Debtor's Chapter 7 Case No. 09-12347-RLB, pending in the U.S. Bankruptcy Court for the Western District of Oklahoma ("Court"). The Court has jurisdiction pursuant to 28 U.S.C. §1334(b) and U.S.C. §523. This is a core proceeding under 28 U.S.C. §157(b)(2)(B) and (I).

Facts

Property at 1917 Rosebrook, Norman, OK

1. Plaintiff, General Builders Supply Co., Inc. at the request of the Defendant, Jerry W. Swanson, an individual and d/b/a Swanson Homes, provided certain building materials for a

home located at 1917 Rosebrook, Norman, Oklahoma for which there is an outstanding balance due in the amount of \$19,967.18 plus accruing interest, costs, and attorney fees.

2. Plaintiff, General Builders Supply Co., Inc. has a lienable claim that was filed against the property located referenced above on March 6, 2008.

3. Jerry W. Swanson, an individual, and d/b/a Swanson Homes received monies for payment of amounts due to the Plaintiff for the construction of said property identified in paragraph 1.

4. Jerry W. Swanson, an individual, and d/b/a Swanson Homes failed to pay General Builders Supply Co., Inc. the amounts due and owing for the goods received for the property listed in paragraph 1 above.

Property at 405 Flint Ridge, Norman, OK

5. Plaintiff, General Builders Supply Co., Inc. at the request of the Defendant, Jerry W. Swanson, an individual and d/b/a Swanson Homes, provided certain building materials for a home located at 405 Flint Ridge, Norman, Oklahoma for which there is an outstanding balance due in the amount of \$2,634.96 plus accruing interest, costs, and attorney fees.

6. Plaintiff, General Builders Supply Co., Inc. has a lienable claim that was filed against the property located referenced above on March 6, 2008.

7. Jerry W. Swanson, an individual, and d/b/a Swanson Homes received monies for payment of amounts due to the Plaintiff for the construction and mortgage of said property identified in paragraph 5.

8. Jerry W. Swanson, an individual, and d/b/a Swanson Homes failed to pay General Builders Supply Co., Inc. the amounts due and owing for the goods received for the property listed in paragraph 5 above.

CLAIM FOR RELIEF

_____(11 U.S.C. §523)

Plaintiff, General Builders Supply Co., Inc., for its Claim for Relief against the Defendant, Jerry W. Swanson, an individual, and d/b/a Swanson Homes, alleges and states as follows:

9. Plaintiff adopts, realleges and incorporates the allegations contained in paragraphs one (1) through eight (8) as if fully set forth herein.

10. As a result of the actions of the Debtor/Defendant, as described herein, Debtor's indebtedness to the Plaintiff should be excepted from discharge pursuant to 11 U.S.C. §523(a)(4).

WHEREFORE PREMISES CONSIDERED, General Builders Supply Co., Inc. requests this Court determine the debt owed by the Defendant to Plaintiff be determined non-dischargeable, and for such other and further relief as is just and proper.

Respectfully submitted,

s/Howard R. Haralson

Howard R. Haralson, OBA No. 11648
P.O. Box 23013
Oklahoma City, Oklahoma 73123-2013
405/789-2000
Attorney for General Builders Supply Co., Inc

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of June, 2009, I mailed, postage prepaid, a true and correct copy of the above foregoing Complaint to Determine Dischargeability to:

Ginger D. Goddard
Attorney for Debtor
224 West Gray Street, Suite 202
Norman, OK 73069

Jerry W. Swanson
Debtor
405 Flintridge Ct.
Norman, OK 73072

s/Howard R. Haralson